

Union Calendar No. 486

110TH CONGRESS
2^D SESSION

H. R. 3815

[Report No. 110-763]

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2007

Mr. PERLMUTTER (for himself, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Mississippi, Mr. SHAYS, Mrs. LOWEY, Mr. CARNEY, Mr. RENZI, and Ms. HARMAN) introduced the following bill; which was referred to the Committee on Homeland Security

JULY 21, 2008

Additional sponsors: Mr. BRADY of Pennsylvania, Mr. SMITH of Washington, Ms. CLARKE, Mr. DICKS, Ms. RICHARDSON, and Ms. JACKSON-LEE of Texas

JULY 21, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on October 10, 2007]

A BILL

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and

disseminate open source homeland security information products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Homeland Security*
5 *Open Source Information Enhancement Act of 2008”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 (1) *The Internet has profoundly expanded the*
9 *amount, significance, and accessibility of all types of*
10 *information, but the Department of Homeland Secu-*
11 *rity has not sufficiently expanded its use of such in-*
12 *formation to produce analytical products.*

13 (2) *Open source products can be shared with*
14 *Federal, State, local, and tribal law enforcement, the*
15 *American public, the private sector, and foreign allies*
16 *because of their unclassified nature.*

17 (3) *The Department of Homeland Security is re-*
18 *sponsible for providing open source products to con-*
19 *sumers consistent with existing Federal open source*
20 *information guidelines.*

1 **SEC. 3. FULL AND EFFICIENT USE OF OPEN SOURCE INFOR-**
2 **MATION.**

3 (a) *IN GENERAL.*—Subtitle A of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 210F. FULL AND EFFICIENT USE OF OPEN SOURCE IN-**
7 **FORMATION.**

8 “(a) *RESPONSIBILITIES OF SECRETARY.*—The Sec-
9 retary shall establish an open source collection, analysis,
10 and dissemination program within the Department. This
11 program shall make full and efficient use of open source
12 information to develop and disseminate open source intel-
13 ligence products.

14 “(b) *OPEN SOURCE PRODUCTS.*—The Secretary shall
15 ensure that among the open source products that the De-
16 partment generates, there shall be a specific focus on open
17 source products that—

18 “(1) analyze news and developments related to
19 foreign terrorist organizations including how the
20 threat of such organizations is relevant to homeland
21 security;

22 “(2) analyze the risks and vulnerabilities to the
23 Nation’s critical infrastructure;

24 “(3) analyze terrorist tactics and techniques to
25 include recommendations on how to identify patterns
26 of terrorist activity and behavior allowing State, local

1 *and tribal first responders to allocate resources appro-*
2 *priately; and*

3 *“(4) utilize, as appropriate, computer-based elec-*
4 *tronic visualization and animation tools that combine*
5 *imagery, sound, and written material into unclassi-*
6 *fied open source intelligence products.*

7 *“(c) SHARING RESULTS OF ANALYSIS.—The Secretary*
8 *shall share the unclassified results of such analysis with ap-*
9 *propriate Federal, State, local, tribal, and private-sector of-*
10 *ficials.*

11 *“(d) PROTECTION OF PRIVACY.—The Secretary shall*
12 *ensure that the manner in which open source information*
13 *is gathered and disseminated by the Department complies*
14 *with the Constitution, section 552a of title 5, United States*
15 *Code (popularly known as the Privacy Act of 1974), provi-*
16 *sions of law enacted by the E-Government Act of 2002 (Pub-*
17 *lic Law 107–347), and all other relevant Federal laws.*

18 *“(e) INSPECTOR GENERAL REPORT.—The Inspector*
19 *General of the Department shall audit the use and dissemi-*
20 *nation of open source information by the Department to*
21 *evaluate the effectiveness of the Department’s activities and*
22 *to ensure that it is consistent with the procedures estab-*
23 *lished by the Secretary or a designee of the Secretary for*
24 *the operation of the Department’s open source program and*
25 *with Federal open source information and intelligence*

1 *guidelines promulgated by the Director of National Intel-*
2 *ligence.*

3 “(f) *OPEN SOURCE INFORMATION DEFINED.*—*In this*
4 *section the term ‘open source information’ means informa-*
5 *tion that is publicly available and that can be used and*
6 *disseminated in a timely manner to an appropriate audi-*
7 *ence for the purpose of addressing a specific homeland re-*
8 *quirement.*”

9 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
10 *authorized to be appropriated for each of fiscal years 2009*
11 *through 2013 such sums as may be necessary to carry out*
12 *this section.*”

13 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
14 *section 1(b) of such Act is amended by adding at the end*
15 *of the items relating to such subtitle the following:*

 “*Sec. 210F. Full and efficient use of open source information.*”

16 **SEC. 4. PRIVACY AND CIVIL LIBERTIES IMPACT ASSESS-**
17 **MENT.**

18 *Not later than 90 days after the date of the enactment*
19 *of this Act, the Privacy Officer and the Officer for Civil*
20 *Rights and Civil Liberties of the Department of Homeland*
21 *Security, in consultation with the Chief Privacy Officer and*
22 *Civil Liberties Protection Officer of the Office of the Direc-*
23 *tor of National Intelligence, shall submit to the Secretary*
24 *of Homeland Security, the Director of National Intelligence,*
25 *the Committee on Homeland Security and Governmental*

1 *Affairs of the Senate, the Committee on Homeland Security*
2 *of the House of Representatives, and the Privacy and Civil*
3 *Liberties Oversight Board, a privacy and civil liberties im-*
4 *pact assessment of the Department of Homeland Security’s*
5 *open source program, including information on the collec-*
6 *tion, analysis, and dissemination of any information on*
7 *United States persons.*

8 **SEC. 5. OPEN SOURCE INFORMATION DEFINED.**

9 *In this Act the term “open source information” has*
10 *the meaning that term has in section 203 of Homeland Se-*
11 *curity Act of 2002, as amended by this Act.*

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